

### **REMARKS**

Applicant has amended the claims of the application herein in order to improve readability. No new matter is added. The amendments are supported in page 4, paragraph 17 of the substitute specification and by the original claims. Applicant requests entry of these amendments.

Applicants elects Group I, with traverse. This Group is characterized by the Office as drawn to a method of making effervescent granules. At least claims 1-17 and 22-31, which depend from claim 1, directly or indirectly, encompass this invention as grouped by the Office. New claims 35-51 and 57-66 also fall within the elected group and are directed to a method of making effervescent granules.

Applicant requests reconsideration of the restriction requirement and examination of all claims in the first instance. All of the claims are united by an inventive concept based on a special technical feature.

The Office has indicated that U.S. Patent No. 4,678,661 ("Gergely") is considered to teach a reaction of an acidic component with an alkaline component in a vacuum, which the Office Action states is the common technical feature to all the divided groups. Applicants disagree.

Gergely discloses a method for the production of effervescent granules in which an acidic effervescent component and an alkaline effervescent component are loaded into an evacuable container and react with one another in a vacuum with stirring, where (1) the container is evacuated to a first vacuum value after loading the reactants and where, after the reaction has produced gas and a pressure increase up to a second vacuum value, the effervescent granules are dried in a vacuum (see, e.g., Example 1) or (2) the container is evacuated to a first vacuum value (100 mbar) after loading the reactants and where, after the reaction has produced gas and a pressure increase up to a second vacuum value (900 mbar), the container is evacuated to the first vacuum value and reaction with pressure increase is repeated a second time, then the effervescent granules are dried in a vacuum (see, e.g., Example 5). Gergely does not disclose a method where the reaction is carried out in a vacuum ranging from 200-900 mbar and where

evacuation of the container to a first vacuum value and reaction-related gas evolution and pressure increase to a second vacuum value is repeated cyclically.

The Gergely patent discloses a method for producing effervescent granules where the reactive granulation is carried out in a vacuum ranging from 100-900 mbar, and where the formed granules are dried (at a pressure of 100 mbar) in an intermediate drying step, followed by a repeat of the reactive granulation (see Example 5).

The invention of present claim 1 differs from the Gergely method in that the reactive granulation is carried out in a vacuum ranging from 200 to 900 mbar (where the reaction takes place without an intermediate drying step) and where the reactive granulation is repeated for a member of cycles. By avoiding intermediate drying between the cycles of the reaction process, using a continuous “pendulum vacuum,” the present invention makes it possible to provide a continuous and fully automatic method for preparing effervescent granules, with the benefit of shortened production times which would have been unexpected given only the teachings of Gergely. Gergely does not teach or suggest avoiding these intermediate drying steps and the advantages involved, which are broadly described in the present specification but are neither disclosed nor rendered obvious by Gergely.

In addition, a further advantage of the method claimed here is “that water forming in the reaction – depending on the vapor pressure at the chosen vacuum values – or the solvent introduced evaporates in the course of the reactive granulation as a result of the choice of the vacuum range and the chosen pressure differences and as a result of the number of cycles in a predetermined time in the reduced vacuum and thus does not influence the reaction in a secondary process. As a result, specific and readily controllable reactions are permitted and an uncontrollable chain reaction is avoided.” See page 5, paragraph 19, of the substitute specification. This advantage is not suggested by Gergely.

Therefore, Applicant submits that claim 1 is both novel and nonobvious, and that the special technical feature that unites the claims is novel and nonobvious. The claims thus process inventive step and a special technical feature that unites the claims. All claims therefore should be examined together.

Applicant requests examination on the merits and favorable consideration of all claims presented here.

Respectfully submitted,

By: 

Martha Cassidy  
Attorney for Applicants  
Registration No. 44,066  
ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 783-6040